

JOURNAL OF THE HOUSE.

Thursday, March 13, 2008.

Met according to adjournment, at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

Eternal God, the Ultimate Source of Goodness and Truth, we begin today's legislative session with the intention of serving You and constituents faithfully and to the best of our ability. We look to You for direction and assistance as we try to implement our objectives. Your help enables us to put our personal and legislative goals in proper order and to address the needs of the day in a thoughtful manner. This weekend we observe and celebrate a local holiday, Evacuation Day. The day reminds us of the dedication to freedom of the founders of our nation and Commonwealth. May we, as a people, continue to hold in the highest esteem the spirit and the meaning of our state and federal constitutions in this changing society and world.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Special Communications.

The Speaker being in the Chair,—

The following communication, together with returns of votes and schedules therein referred to, was received from the Secretary of the Commonwealth, to wit:—

COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE SECRETARY  
STATE HOUSE, BOSTON 02133

March 13, 2008.

To the Honorable House of Representatives:

Returns of votes for Representative in the Seventh Bristol District.

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the fourth day of March, 2008 for Representative in General Court, Seventh Bristol District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN,  
*Secretary of the Commonwealth.*

The communication was read; and, there being no objection, it was placed on file.

The following communication, together with returns of votes and schedules therein referred to, was received from the Secretary of the Commonwealth, to wit:—

COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE SECRETARY  
STATE HOUSE, BOSTON 02133

March 13, 2008.

To the Honorable House of Representatives:

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the fourth day of March, 2008 for Representative in General Court, Eighth Essex District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

Returns of votes for Representative in the Eighth Essex District.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN,  
*Secretary of the Commonwealth.*

The communication was read; and, there being no objection, it was placed on file.

The following communication, together with returns of votes and schedules therein referred to, was received from the Secretary of the Commonwealth, to wit:—

COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE SECRETARY  
STATE HOUSE, BOSTON 02133

March 13, 2008.

To the Honorable House of Representatives:

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the fourth day of March, 2008 for Representative in General Court, Twenty-third Middlesex District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

Returns of votes for Representative in the Twenty-third Middlesex District.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN,  
*Secretary of the Commonwealth.*

The communication was read; and, there being no objection, it was placed on file.

The following communication, together with returns of votes and schedules therein referred to, was received from the Secretary of the Commonwealth, to wit:—

COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE SECRETARY  
STATE HOUSE, BOSTON 02133

March 13, 2008.

To the Honorable House of Representatives:

Returns  
of votes for  
Representative  
in the  
Thirty-second  
Middlesex  
District.

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the fourth day of March, 2008 for Representative in General Court, Thirty-second Middlesex District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN,  
*Secretary of the Commonwealth.*

The communication was read; and, there being no objection, it was placed on file.

*Order.*

On motion of Mr. Donato of Medford,—

Governor  
ratified.

*Ordered*, That a special committee be appointed to wait upon His Excellency the Governor and inform him that Representatives-elect Kevin Aguiar of the Seventh Bristol District, Katherine M. Clark of the Thirty-second Middlesex District, Lori A. Ehrlich of the Eighth Essex District and Sean Garballey of the Twenty-third Middlesex District are assembled in the Chamber of the House of Representatives and are ready to take the oaths and affirmations of qualification.

Representatives St. Fleur of Boston, Haddad of Somerset, Welch of Springfield, Provost of Somerville, Kulik of Worthington, Sandlin of Agawam, Story of Amherst, Rogeness of Longmeadow and Hill of Ipswich were appointed the committee.

Subsequently Ms. St. Fleur, for the committee, reported that they had attended to the duty assigned them, and that the Governor had stated that he would attend forthwith and administer the oaths of office.

*Members Qualified.*

Representatives  
Kevin Aguiar of  
Fall River,  
Katherine M.  
Clark of Melrose,  
Lori A. Ehrlich of  
Marblehead and

Soon afterward His Excellency the Governor, Deval Patrick, accompanied by the Honorable Carole A. Fiola, Governor’s Councillor came in; the oaths and and affirmation required by the Constitution and laws were administered by the Governor to the members-elect then present, and were subscribed by them; after

which His Excellency declared that the members were duly qualified to enter upon the discharge of their duties. Katherine M. Clark of Melrose, Lori A. Ehrlich of Marblehead and Sean Garballey of Arlington,— qualification.

Sean  
Garballey of  
Arlington, qual-  
ification.

After brief remarks by each newly qualified member, the Speaker assigned Mr. Aguiar to Seat No. 80, Ms. Clark to Seat No. 68, Ms. Ehrlich to Seat No. 77 and Mr. Garballey to Seat No. 94.

His Excellency the Governor and Governor’s Councillor Fiola then departed the Chamber under escort of the Sergeant-at-Arms of the House.

*Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Bradley of Hingham) honoring the memory of Leonard “Lennie” Hersch for his contributions to the town of Hull;

Leonard  
Hersch.

Resolutions (filed by Mr. Brownsberger of Belmont) congratulating the town of Belmont on the occasion of the groundbreaking ceremony for a permanent senior center;

Belmont,  
senior  
center.

Resolutions (filed by Mr. Perry of Sandwich) on the occasion of the twenty-fifth anniversary of the Nam Vets Association of the Cape and Islands, Inc.;

Cape and  
Islands  
Nam Vets.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Plainville town Clerk Kathleen M. Sandland on her retirement after thirty-four years of exemplary services to the town of Plainville;

Kathleen M.  
Sandland.

Resolutions (filed by Mr. Stanley of Waltham) congratulating Mr. Jack Gorman on the occasion of his retirement;

Jack  
Gorman.

Resolutions (filed by Representatives Stanley of Waltham and Koutoujian of Waltham) recognizing Connie Braceland as the 2008 Waltham Women’s Alliance Woman of the Year; and

Connie  
Braceland.

Resolutions (filed by Ms. Stanley of West Newbury) congratulating Leo Joubert on the occasion of his retirement;

Leo  
Joubert.

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Garballey of Arlington, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Communication.*

A communication from the Division of Energy Resources of the Executive Office of Energy and Environmental Affairs (under Section 12 of Chapter 25A of the General Laws) submitting a final amended draft regulation (225 CMR 13.00) establishing rules for the conduct of auctions of carbon dioxide allowances to be administered by said division or its agents (House, No. 4606) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Carbon  
dioxide  
auctions,  
regulations.

*Paper from the Senate.*

The following order came from the Senate with the endorsement that it had been adopted by said branch:

*“Ordered,* That the General Court is hereby authorized and directed to accept the report of the Massachusetts Dairy Farm Revitalization Task Force (pursuant to the provisions of section 17 of Chapter 42 of the Acts of 2007), the time within which task force was required to file having expires.”.

The order then was adopted, in concurrence.

*Reports of Committees.*

By Mrs. Haddad of Somerset, for the committee on Education, on House, Nos. 414, 446, 486, 505, 520, 525, 572, 579 and 3882, an Order relative to authorizing the committee on Education to make an investigation and study of certain House documents concerning transportation and vocational education (House, No. 4600).

By the same member, for the same committee, on House, Nos. 465, 509, 521, 541 and 597, an Order relative to authorizing the committee on Education to make an investigation and study of certain House documents concerning health education issues (House, No. 4601).

By the same member, for the same committee, on House, No. 468, an Order relative to authorizing the committee on Education to make an investigation and study of a certain House document concerning school visitors (House, No. 4602) [Senator Brown dissenting].

By the same member, for the same committee, on House, No. 561, an Order relative to authorizing the committee on Education to make an investigation and study of a certain House document concerning MCAS testing (House, No. 4603) [Senator Resor and Representative Rice of Gardner dissenting].

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

*Emergency Measure.*

The engrossed Bill making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4589, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 72 to 0. Sent to the Senate for concurrence.

Dairy Farm  
Task Force.

Vocational  
education,  
study.

Health  
education,  
study.

School  
visitors,  
study.

MCAS  
testing,  
study.

Supplemental  
appropriations.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Recess.*

At nineteen minutes after twelve o'clock noon, on motion of Mr. Petrolati of Ludlow (the Speaker being in the Chair), the House recessed until a quarter before one o'clock P.M.; and at four minutes before one o'clock the House was called to order with Mr. Rush of Boston in the Chair.

*Irish Cultural Day Ceremony.*

The Chair (Mr. Rush of Boston) thereupon declared a brief recess, welcomed those present in the Chamber for the celebration of Irish Cultural Day and offered remarks relative to Irish heritage and history in the Commonwealth.

The Speaker then took the Chair, offered welcoming remarks and introduced Ms. Julie Lavery, who performed the *Star Spangled Banner*.

The Speaker then introduced Ms. Maureen McNally, who performed *Amhran na bhFiann*, the Irish National Anthem.

Mr. Rush of Boston then took the Chair and introduced Mr. Colm Caulfield, President of the John Fitzgerald Kennedy Library Trust. Mr. Caulfield then presented the Chair (Mr. Rush) with a printed history of all Galvin family ancestry to be given to William Francis Galvin, Secretary of the Commonwealth.

Mr. Walsh of Boston then took the Chair and read a proclamation from His Excellency the Governor, proclaiming March as Irish Heritage Month.

Mr. Rush of Boston then took the Chair and introduced Sean Grant, Executive Director of the Irish Cultural Center of New England, who addressed the House briefly.

The Chair (Mr. Rush) then introduced Mr. David Barry, Consul General of Ireland, who also addressed the House briefly.

At twenty-seven minutes after one o'clock, the Speaker took the Chair, called the House to order and declared a recess until two o'clock P.M. At seventeen minutes after two o'clock the House was called to order with Mr. Donato of Medford in the Chair.

*Engrossed Bills.*

The engrossed Bill validating the actions taken at a certain annual town meeting held in the town of Phillipston (see House bill printed in House, No. 4438) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

Recess.

Irish  
Cultural  
Day.

Recess.

Bill  
enacted.

Bill  
enacted.

The engrossed Bill relative to property tax exemptions in the town of Swampscott (see Senate, No. 2324) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Orders of the Day.*

Third  
reading  
bill.

The Senate Bill relative to the operation of the sewer system of the town of Ipswich (Senate, No. 2446), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

House bills

Third  
reading  
bills.

Relative to the membership of the board of public works in the town of Whitman (House, No. 4044);

Relative to the board of public works in the town of Whitman (House, No. 4045);

Relative to certain roads on Nantucket Island (House, No. 4056) (its title having been changed by the committee on Bills in the Third Reading);

Regarding municipal retiree health insurance in the town of Lanesborough (House, No. 4060);

Authorizing the town of Amesbury to grant 2 additional alcoholic beverage licenses (House, No. 4426);

Authorizing the city of Salem to issue an additional liquor license for the sale of alcoholic beverages to Gulu Gulu Corp. (House, No. 4457) (its title having been changed by the committee on Bills in the Third Reading); and

Establishing a sick leave bank for Brian Leonard, an employee of the Department of Revenue (House, No. 4532);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Senate bills

Second  
reading  
bills.

Regulating certain insurance benefits for elected officials of the town of Easton (Senate, No. 1525); and

Authorizing the establishment of the Whittin Reservoir Watershed District in the town of Douglas (Senate, No. 2344); and

House bills

To provide access to information for parents' evaluators (House, No. 391);

Relative to accommodations for special needs students taking the MCAS examination (House, No. 457);

Providing for a charter for the town of Groton (House, No. 4490); and

Establishing a department of public works in the town of Merrimac (House, No. 4494);

Severally were read a second time; and they were ordered to a third reading.

Mr. Petrolati of Ludlow being in the Chair,—

The House Bill financing the production and preservation of housing for low and moderate income residents (House, No. 4594), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time. Housing,  
finance.

Pending the question on passing the bill to be engrossed, Mr. Rushing of Boston asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum. Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 154 members were recorded as being in attendance. Quorum,  
yea and nay  
No. 280.

**[See Yea and Nay No. 280 in Supplement.]**

Therefore a quorum was present.

Subsequently a statement of Ms. Richardson of Framingham was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll, I was not present in the House Chamber due to official business in another part of the State House. Statement of  
Representative  
Richardson of  
Framingham.

After debate on the question on passing the bill to be engrossed, Mr. Pignatelli of Lenox moved to amend it in section 2, in item 7004-7011, by adding at the end the following: “; provided further, that the department shall expend \$50,000 for emergency porch restoration to the Curtis Hotel at 6 Main Street in the town of Lenox, operated by the Lenox Housing Authority”. The amendment was rejected.

Mr. DeLeo of Winthrop then moved to amend the bill by inserting after section 5 the following section:

“SECTION 5A. Section 53A of chapter 29 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 14, the word ‘refunded.’ and inserting in place thereof the following:— refunded; provided, however, that the state treasurer may, upon request of the governor, issue and sell refunding bonds of the commonwealth in an amount to be specified by the governor from time to time for the purpose of: (i) substituting fixed-rate bonds for existing variable-rate bonds; or (ii) substituting a different form of variable-rate bonds for existing variable-rate bonds. The proceeds of any refunding bonds authorized by this section may also be used to purchase bonds in lieu of paying such bonds at maturity or redemption, through a tender offer or otherwise, whereupon the state treasurer may declare the purchased bonds to be paid in full.”.

The amendment was adopted.

Representatives Falzone of Saugus and Clark of Melrose then moved to amend the bill in section 2, in item 7004-0032, by inserting after the word “department” the following: “; provided further, that \$100,000 be expended for interior improvements at Hart’s Hill housing in the town of Wakefield”; and in said item by striking out the figures: “500,000,000” and inserting in place thereof the figures: “500,100,000”.

The amendments were rejected.

Mr. Fennell of Lynn then moved to amend the bill by adding at the end thereof the following section:

“SECTION 10. The fourth paragraph of section 6 of chapter 40 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following sentence:— The provisions of this paragraph shall not apply to any lot whether or not previously built upon, and shall have retroactive effect.”.

The amendment was rejected.

Bill passed  
to be  
engrossed,  
yea and nay  
No. 281.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Honan of Boston; and on the roll call 157 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 281 in Supplement.]**

Therefore the bill (House, No. 4594, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Victims of  
violence.

The House Bill to promote the safety of victims of violence (House, No. 4348), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Bill passed  
to be  
engrossed,  
yea and nay  
No. 282.

After remarks on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Rushing of Boston; and on the roll call (Mr. Donato of Medford being in the Chair) 157 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 282 in Supplement.]**

Therefore the bill (House, No. 4348) was passed to be engrossed. Sent to the Senate for concurrence.

*Order.*

On motion of Mr. DiMasi of Boston,—

Next  
sitting.

*Ordered*, That when the House adjourns today, it adjourn to meet on Tuesday next at eleven o'clock A.M.

---

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at five minutes before four o'clock P.M., on motion of Ms. Wolf of Cambridge (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Tuesday next at eleven o'clock A.M.